

# **Social Media Use in Courts**

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# Working Definition

- Social Media includes but is not limited to Internet-based publishing and collaboration technologies including social networking, blogs, wikis, podcasts, video sharing, message boards, and online forums collectively known as Web 2.0



# Existing Controls on Social Media Behavior

- ACJA 1-303 “Code of Conduct for Judicial Employees”
  - Rule 1.2, Promoting Confidence in the Judiciary
  - Rule 2.10, Statements on Pending and Impending Cases
  - Rule 2.11(A), Personal Interests
  - Rule 3.1, Outside Activities in General
  - Rule 3.2, Use of Nonpublic Information

# Existing Controls on Social Media Behavior

- ACJA 1-503 “Electronic Communications Policy”
  - (A) Definition of “Electronic Communications”
  - (C)(3) Responsible Use of the Internet
  - (C)(4) Prohibited Uses
  - (D)(2) Security and Privacy
  - (D)(4) Public Access and Disclosure
  - (E)(2) Enforcement, Disciplinary Action

# Specific Problems Courts Face

- Your local issues that can only be addressed via a specific social media policy
  - 1.
  - 2.
  - 3.
  - 4.
  - 5.
  - 6.
  - 7.

# Potential Policy Areas/Statements

- Authorized Spokesperson
  - Presiding judge authorizes and retains right to monitor
- Employee Access to Social Media Sites
  - “Unauthorized” employees follow 1-503 responsible use
  - “Private” statements made outside work for those identifying selves as court employees must indicate “not provided on behalf of the court”
- Account Management
  - Presiding judge provided applicable account information for each social network application
  - ID/password tied to court; outlasts the spokesperson
  - When personnel change, presiding judge secures or deletes associated social media accounts using recorded account information

# Potential Policy Areas/Statements

- Acceptable Use
  - Only accounts authorized by presiding judge shall be used for communicating official court info
  - Other court personnel shall not use personal accounts for releasing court information or representing the court
- Employee Conduct
  - Authorized spokesperson's activities shall expressly address the business of the court and be in keeping with the Code of Conduct
  - No anonymous posting allowed
  - Statements that harm the reputation or credibility of the court, justice partners, or court users may be cause for discipline or dismissal

# Potential Policy Areas/Statements

- Content
  - No confidential, sensitive, or personally identifying information shall be posted or released
  - Individual postings should link to official website of court or Arizona Judiciary for more detailed info
  - Avoid mixing business information with personal information; employees may be subject to discipline for content shared on social media sites
- Security
  - Security measures shall prevent anyone other than the authorized employee from posting content on the court's social media outlets
  - Increased risk exists; remain informed and exercise caution against cyberattacks



# Potential Policy Areas/Statements

- Legal Issues
  - Court social media sites and information posted by court are public records; retention reqt's apply
  - Official Spokesperson shall respond completely and accurately to requests for public records
- Public Conduct
  - Two-way communication shall be moderated to reject or remove inappropriate content from view
  - No anonymous postings shall be allowed

# Which Items Are Most Important?

## Which Vital Things are Missing?

## Where Do We Go from Here?

